

HOUSE No. 3748

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

February 20, 2007.

To the Honorable Senate and House of Representatives:

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX, I am filing for your consideration the attached legislation entitled, "An Act Authorizing The Town Of Wellesley To Convey A Certain Parcel Of Land." Because the land in question is public park land, Article XCVII of the Massachusetts Constitution applies.

Senators Brown and Creem, Representative Peisch and the Wellesley Board of Selectmen have asked that this legislation be filed to permit the town to complete a land swap involving parkland within the Fuller Brook Park. The land swap corrects a long-standing encroachment on the parkland, and provides for continued public access to the Fuller Brook Path in an area used by school children to reach the nearby public elementary school.

Given the town's unanimous vote in favor of this transaction, the length of time it has taken to proceed with the swap and the fact that it does not run afoul of the Article 97 policy of "no net loss," I urge your early and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval L. Patrick".

DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE TOWN OF WELLESLEY TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The town of Wellesley is hereby authorized to
2 convey to Erik Garpestad and Kathleen E. Walsh (Garpestad and
3 Walsh) a parcel of parkland within the Fuller Brook Park shown
4 as Lot X and containing approximately 923 square feet of land,
5 for the purposes of residential use, a plan entitled “Plan of Land in
6 Wellesley, MA, 12 Marvin Road” prepared by Bruce Bradford,
7 Professional Land Surveyor, Everett M. Brooks Co., dated Feb-
8 ruary 9, 2005, a copy of which is on file in the office of the town
9 clerk; provided said conveyance shall not be made until the town
10 has acquired the parcel currently owned by Garpestad and Walsh,
11 referred to as Lot Y on said plan and title has been certified to be
12 good in the town.

1 SECTION 2. In consideration of the conveyance authorized in
2 Section 1 of this act, said Erik Garpestad and Kathleen E. Walsh
3 shall convey to said town for parkland purposes, to be held under
4 the jurisdiction of the Natural Resources Commission for
5 Article 97 purposes, the parcel shown as Lot Y on said plan and
6 containing approximately 960 square feet of land. The town is
7 also authorized to grant to Garpestad and Walsh, their successors
8 and assigns, an easement to allow a storm drainage pipe to pass
9 through said Lot Y. The board of selectmen shall determine
10 whether this parcel is equal to or greater than the full and fair
11 market value of the property described in section 1, or its value in
12 use as proposed, whichever is greater, as determined by indepen-
13 dent appraisal. If there is a disparity in these values in favor of
14 the grantee, the grantee shall pay a sum equal to the difference to
15 the town of Wellesley for deposit in its open space fund or other-
16 wise dedicated to open space preservation.

1 SECTION 3. This act shall take effect upon its passage.

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